

PROB 12C
(7/93)

Report Date: April 11, 2012
FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

United States District Court

for the

APR 18 2012

Eastern District of Washington

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Phillip Smith

Case Number: 2:02CR02168-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, U.S. District Judge

Date of Original Sentence: 7/2/2003

Original Offense: Crime on an Indian Reservation, Aggravated Sexual abuse,
18 U.S.C. §§ 1153 & 2241(a) and 2241(c)

Original Sentence: Prison - 121 Months Type of Supervision: Supervised Release
TSR - 60 Months

Asst. U.S. Attorney: TBD Date Supervision Commenced: 8/12/2011

Defense Attorney: Alex B. Hernandez, III Date Supervision Expires: 8/11/2016

PETITIONING THE COURT

To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

- 1 **Special Condition # 20:** You shall undergo a substance abuse evaluation and, if indicated, enter into and successfully complete an approved substance abuse treatment program, including aftercare. You shall contribute to the cost of treatment according to your ability. You shall allow full reciprocal disclosure between the supervising probation officer and treatment provider.

Supporting Evidence: Mr. Smith has failed to obtain a drug and alcohol evaluation as directed as of April 11, 2012.

Mr. Smith has a special condition ordering him to obtain a drug and alcohol evaluation. Upon his release from prison, Mr. Smith was directed to obtain a drug and alcohol evaluation and was referred to the Yakama Indian Nation drug and alcoholism program.

In the past several months, Mr. Smith has either missed or rescheduled appointments that were established to complete the evaluation. On April 9, 2012, the U.S. Probation Office received a letter from the Confederated Tribes and Bands of the Yakama Nation indicating Mr. Smith had an evaluation on March 13, 2012. Per the letter, he was asked to submit a

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criminal history and schedule a result appointment within a week, once he had the information to complete his evaluation. On March 20, 2012, a letter was mailed to his residence in hopes to keep him engaged with this program. In the letter, he was asked to contact the office no later than April 4, 2012. There was no response from Mr. Smith, therefore giving an indication he was no longer interested in the evaluation. The letter indicated that his current evaluation will be voided and will need to complete another alcohol and drug evaluation.

The Court should note that on August 16, 2011, conditions were reviewed with Mr. Smith and he was directed to obtain a drug and alcohol evaluation. As of April 11, 2012, Mr. Smith has failed to obtain this evaluation as directed.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegation contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 04/11/2012

s/Jose Zepeda

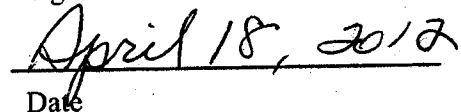
Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Warrant
☒ The Issuance of a Summons
☐ Other



Signature of Judicial Officer


Date